

Andrew Jackson to Lewis Fields Linn, June 2, 1842, from Correspondence of Andrew Jackson. Edited by John Spencer Bassett.

class=MsoNormal>TO LEWIS F. LINN. 1

1 Library of Congress, Donelson Papers. This letter exists in a rough draft in Jackson's handwriting, and in two later forms in Donelson's handwriting. The text given is Donelson's second copy, the only form which is complete.

Hermitage, June 2, 1842.

Dar Sir, I have just seen, as reported in the Globe, the action of the Senate on the bill introduced by you to refund to me the fine imposed on me at New Orleans in 1815.

As an act of justice the passage of that bill would have been gratifying to my feelings but in the form given to it by the amendment which prevailed, I would not have received the money. It was on the basis of justice alone that my claim for remuneration on account of that fine was placed by me: and I am thankful that you were so prompt in rejecting the attempt to give it a character entirely different. No earthly consideration could induce me to receive money from my Government as a substitute for its justice. When the charity or grace of Government can be extended in this manner to its citizens, we shall have lost sight of the spirit of our institutions, and I am sorry to believe that any one could have thought me capable of descending so far below the standard of what is due to my character, as to have furnished an example so unworthy an American citizen.

Believing that New Orleans could not have been defended without a resort to the extreme measures which I adopted, and that the proceeding against me by the Judge was unauthorized by the circumstances, I felt of course a desire that the stigma which he

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sought to place on my reputation, should be removed in the manner you had proposed. Nothing can be plainer than that if there was a necessity for the declaration of martial law, writs of Habeas corpus could not have been operative within my camp during the continuance of such law, that necessity operating alike upon all the citizens within its sphere alike, and it was the duty of all to submit to it in order to save the city and chastise the invading foe. If this necessity be admitted, and I scarcely think there is any one who now doubts it, would it not have been better for Judge Hall to have repaired to the lines and have stimulated by his example a gallant defence, than to have employed his time—as he did in company with Le Blanc, 0181 157 Lewallier, and other disaffected persons in paralyzing the [actions?] of the commanding Genl. He was a batchelor, able to do effective duty, and summoned as all the Louisians were to the defence.

But unfortunate as the Judges conduct was during the siege, it was more so after it. He placed me under a rule to appear and shew cause why an attachment should not issue against me, and yet when I did appear, he refused to hear my defence thus depriving me of a constitutional right. It is also susceptible of proof that he altered the record granting the Habeas Corpus from the 5th to the 6th intending to shew that when arrested he had not attempted to exercise judicial authority within my camp. He failed also to keep a full record of the proceedings, thus subjecting himself to the suspicion of having destroyed them, and compelling me to rely on the oaths of Abner L. Duncan, Ed. Livingston, John Rand and others for a knowledge of those proceedings. And yet this Judge is now eulogized by Mr. Conrad of La. 2 as upright and honest. I should like to hear Mr. Conrad reply to the following questions. Was it honest in the Judge to alter the record. Was it consistent with honor for the Judge to [alter] it in his own cause. Was it honest for the Judge to condemn the Genl. without hearing his defence, and was it right for him to omit having a full record of the proceedings made out and preserved.

2 Charles M. Conrad, Whig senator 1842–1843.

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As to Mr. Conrads historians, Judge Martin 3 and Louallier, it may be asked where were they during the investment of New Orleans by the British forces. Were they at the lines exposing themselves to danger and battling for the safety of the city? or were they in conclave with Blanc the aristocratic Frenchman who had fled from France and hated any thing that wore the appearance of democracy. Were they not suspected of communicating with the enemy and hatching treason against the country. Judge Martins facts must have been obtained from such men as Blanc and Louallier for at the time his book appeared it was regarded by every patriot who had aided in defending the country as a tissue of falsehoods, and written chiefly to shield those who had proved treacherous.

3 François Xavier Martin, federal judge and historian of Louisiana. His History of Louisiana appeared in 1827. It is dry and statistical but in general is reliable.

I have not time now to follow this subject further. My object in writing you was to thank you again for the course you have taken and to assure you that what I want is justice, nothing more. I prefer the fine to remain as it is, than that it should be refunded with a [proviso?] like that introduced by Mr. Byrd [Barrow]. 4

4 Alexander Barrow, senator from Louisiana; proviso that nothing in the act should be taken as expressing an opinion of want of patriotism or fidelity on the part of the citizens of New Orleans.